

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 60865

Terrance & Patti Leland & Donald Wesley et al.
12510 Jarrettsville Pike
Phoenix, MD 21131

500 Padian Lane

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 29, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-401, 402, 403, 404, failure to maintain investment property, broken windows, deteriorated roof, missing doors, missing downspouts, missing gutters, and fallen trees on residential property zoned DR 3.5 known as 500 Padian Lane, 21093.

On November 24, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 18, 2009 for repair of roof, repair exterior construction, raze or repair dwelling, remove graffiti, cut tall grass and weeds. A second Correction Notice was issued on October 21, 2009 for removal of trash and debris, cut and remove tall grass and weeds, repair roof, repair exterior construction, board and secure structure, broken windows, flaking/worn paint, repair damage due to vandalism. This Citation was issued on November 24, 2009.

B. Photographs in the file show a dilapidated single-family house with white siding. The roof is visibly damaged with shingles missing. The windows and doors are boarded, with broken glass showing on second-floor windows where the boarding appears to be fastened to the inside of the windows. The white siding has deteriorated and missing paint. Gutters and downspouts are missing from some parts of the roof.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. The civil penalty will be reduced if Respondents correct the violations within the time provided below. If Respondents do not correct these violations, they will be subject to additional Citations with additional civil penalties, and also possible referral to the Building Engineer for evaluation of whether the structure should be razed by the County at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by February 11, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf